

REMARKS

The present application includes claims 1-30, all of which have been rejected. Claims 1, 11 and 21 have been amended to clarify the inventions.

Claims 1-30 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 6,272,129 ("Dynarski") in view of U.S. 6,934,754 ("West"). The Applicants respectfully traverse these rejections for at least the reasons previously set forth during prosecution and the following.

"To establish *prima facie* obviousness of a claimed invention, **all** the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)." *See* MPEP at 2143.03 (emphasis added). Further, "[a]ll **words** in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA)." *See id.* (emphasis added).

The Office Action seemingly asserts (although is unclear) that Dynarski discloses all the limitations of claim 1, except for "wherein said address is associated with said first device in said communication network at a time of said assigning," as recited in claim 1, for example. *See* May 6, 2009 Office Action at page 3.

Claim 1 also recites, in part, "assigning, by said headend, an address to said first device coupled to said communication network." The Office Action cites reference numeral 14 of Dynarski as a first device and "home agent #22" as a "headend." *See id.* at page 3. However, as explained below, the "home agent #22" of Dynarski does not assign an address to any of reference numerals 10, 14, 16 or 24 of Dynarski.

Dynarski discloses that the home agent **receives** an IP packet, which includes an address. In particular, Dynarski states the following:

The method comprises the steps of **receiving** an Internet Protocol (IP) packet **from a terminal** on the network and destined for the device. The IP packet is **received** at a home agent for the device.

See Dynarski at column 2, lines 38-42 (emphasis added). *See also id.* at column 6, lines 58-65 (“First, an Internet Protocol (IP) packet **from a terminal 10** on the network 12 and destined for the device 14 is relayed by router 18 onto the WAN 20 where it is received by the home agent 22” and column 8, lines 9-12 (“The IP address associated with the IP link between the network access server 30B and the wireless device 14 is **forwarded** to the home agent 22 to enable the IP packet **from the remote terminal 10 ...**”).

Thus, Dynarski is clear that the home agent receives the IP packet. Due to the fact that the home agent 22 receives such an IP packet, it cannot assign such an IP packet, or anything included within the IP packet. For example, if an address is already included in an IP packet that is received by the home agent, the address is already assigned by an entity other than the home agent.

Dynarski also indicates that the “home agent then transmits an Access-Request message to the authentication server for authentication.” *See id.* at column 2, lines 54-55. “The Access-Request message includes a destination IP address for the wireless device **that was included in the IP packet from the terminal on the network.**” *See id.* at column 2, lines 59-61 (emphasis added). *See also id.* at column 6, line 65 to column 7, line 4 (“the home agent then transmits an Access-Request message to the authentication server 28 for authentication. The Access-Request message includes the destination IP address for the wireless device 14 **that was included on the IP packet from the terminal 10 on the network**”).

Again, per Dynarski, the “destination IP address” is already included in the IP packet, which, as noted above, the home agent **received**. Accordingly, the home agent could not have “assigned” such an address.

Further, Dynarski indicates that the “home agent transmits a message, such as an Address Resolution Protocol (ARP) containing **the IMSI/ESN number or other information uniquely identifying the device....**” *See id.* at column 3, lines 5-8 (emphasis added). Again, use of “the” indicates that the number or

"other information" already exists. There is no indication in Dynarski, however, that the home agent "assigns" such number or information to a device.

As noted above, the Office Action cites the "home agent 22" of Dynarski as the "headend," recited in the claims. See May 6, 2009 Office Action at page 3. However, the Office Action does not show where Dynarski discloses that the home agent 22 assigns addresses to any of the devices 10, 14, 16 or 24. Moreover, the Office Action does not show where any of the cited references describes, teaches or suggests "assigning, by said headend, an address to said first device coupled to said communication network," as recited in claim 1, for example, Claims 11 and 21 recite similar limitations. Thus, for at least these reasons, the Applicants respectfully request reconsideration of the claim rejections.

Additionally, the Office Action does not clearly indicate where any of the cited references describes, teaches or suggests "transferring, by said headend [which the Office Action assumes is the home agent 22 of Dynarski], said assigned address [assigned to a first device by the headend] to said first device."

In general, if these rejections are maintained, the Applicants respectfully request that the cited references be mapped in relation to the **specifically-recited language** of the claims (or at least claim 1). See, e.g., *Ex Parte Gulliver*, 2009 WL 728292 (B.P.A.I. 2009) ("The Examiner's rejection ... fails to address, let alone show the obviousness of, the limitation We will not resort to speculation, unfounded assumptions, or hindsight reconstruction to correct this deficiency ... We reverse the rejections ... under § 103.").

For example, as noted above, the Office Action cites the "home agent 22" of Dynarski as the "headend" and "#14" of Dynarski as the "first device." The Applicants respectfully request that if this rejection is maintained, the next Office Action specifically recite the language of the claim and show precisely where Dynarski (or West, for that matter) describes, teaches or suggests where the home agent 22 discloses "assigning, by said headend, an address to said first

device coupled to said communication network," **and the remaining claim limitations.**

Additionally, the Applicants respectfully request that if these rejections are maintained, any subsequent Office Action address all of the pending claims, as the current Office Action does not seem to address the specific claim language of each of claims 1-30. *See, e.g., Ex Parte Storey*, 2006 WL 1665380 (B.P.A.I. 2006) (*unpublished*) ("We agree with appellant that the examiner has failed to address the limitations of the dependent claims in any meaningful way and, thus, the rejection of the dependent claims must be reversed for this additional reason.").

In general, the Office Action makes various statements regarding the pending claims and the cited references that are now moot in light of the above. Thus, the Applicants will not address such statements at the present time. However, the Applicants expressly reserve the right to challenge such statements in the future should the need arise (e.g., if such statement should become relevant by appearing in a rejection of any current or future claim).

The Applicants respectfully request reconsideration of the claim rejections for at least the reasons discussed above. If the Examiner has any questions or the Applicants can be of any assistance, the Examiner is invited to contact the undersigned attorney.

The Commissioner is authorized to charge any necessary fees, or credit any overpayment to the Deposit Account No. 13-0017.

Respectfully submitted,

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